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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

Draft report of the Commission

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

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XVIII. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

1. The Commission considered agenda item 18 concurrently with item 9 (see chap. IX) at its 34th to 35th meetings, on 2 April, at its 37th to 39th meetings, on 3 April, at its 43rd and 45th meetings, on 7 April, and at its 58th meeting, on 11 April, at its 64th meeting on 15 April and at its 66th meeting on 16 April 1997. 1/

2. For the documents issued under agenda item 18, see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission, see annex .. to the present report.

3. At the 34th meeting, on 2 April 1997, statements were made by:

(a) Ms. Mona Rishmawi, independent expert on the situation of human rights in Somalia, in introduction of her report (E/CN.4/1997/88);

(b) Ms. Leila Takla, Chairperson of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

4. At the 35th meeting, on 2 April 1997, statements were made by:

(a) Mr. Thomas Hammarberg, Special Representative of the Secretary-General on the situation of human rights in Cambodia, in introduction of his report (E/CN.4/1997/85);

(b) Ms. Mónica Pinto, independent expert on the situation of human rights in Guatemala, in introduction of her report (E/CN.4/1997/90);

(c) Mr. Adama Dieng, independent expert on the situation of human rights in Haiti, in introduction of his report (E/CN.4/1997/89).

5. In the general debate on agenda item 18, statements 2/ were made by the following members of the Commission: Bangladesh (39th), Egypt (43rd), El Salvador (35th), India (35th), Japan (35th), Madagascar (43rd), Malaysia (39th), Netherlands (on behalf of the European Union) (39th), Pakistan (43rd), South Africa (43rd).

6. The Commission heard statements by the observers for Australia (43rd), Guatemala (38th), Kenya (43rd), Mongolia (45th), Nigeria (43rd), Poland (43rd), Togo (45th).

7. The Commission also heard statements by the following non-governmental organizations: Indian Council of Education (39th), International Commission of Jurists (38th), Latin American Federation of Associations of Relatives of Disappeared Detainees (39th).

8. A statement equivalent to the right of reply was made by the observer for Haiti (35th).

Assistance to Guatemala in the field of human rights

9. At its 58th meeting, on 11 April 1997, the representative of Mexico introduced draft resolution E/CN.4/1997/L.61, sponsored by Colombia, El Salvador, Guatemala, Mexico, Norway, Peru, Spain, the United States of America and Venezuela. Costa Rica, the Dominican Republic, Honduras, Italy, Nicaragua and Uruguay subsequently joined the sponsors.

10. The representative of Mexico orally revised the draft resolution as follows:

(a) At the end of the second preambular paragraph, the word "entities" was replaced by the word "actors";

(b) In the fourth preambular paragraph, the words "monitor the permanent" were replaced by the words "verify the definitive";

(c) In the sixth preambular paragraph the words "in some cases involving" were replaced by "in which, in some cases,"; after "Government officials", the word "participated" was inserted.

(d) In the seventh preambular paragraph, after the words "and discrimination", the words "suffered by" were replaced by the word "that"; after the words "in Guatemala", the words "suffered and are suffering" were inserted;

(e) At the end of operative paragraph 1, the word "preparation" was replaced by the words "drawing up";

(f) At the end of operative paragraph 3, the word "during" was replaced by the word "in";

(g) In operative paragraph 4, the word "judicial" was inserted before "proceedings";

(h) In operative paragraph 6, the word "implementing" was replaced by "compliance with";

(i) In operative paragraph 8, the word "multilingual" was replaced by the word "plurilingual";

(j) In operative paragraph 9, the words "to enable", were replaced by the words "with a view to enabling";

(k) In operative paragraph 10, the word "consultation" was replaced by the word "concertation";

(l) Operative paragraph 14 was deleted. It read as follows: "Requests the Secretary-General to terminate the mandate of the independent expert and, taking account of the verification work of MINUGUA and of the information

provided by the Government of Guatemala and the non-governmental human rights organizations, to submit a report to the Commission on Human Rights at its fifty-fourth session on the evaluation and development of measures adopted by the Government and other bodies concerning the provision of advisory services in the field of human rights to the Government of Guatemala and the non-governmental human rights organizations;";

(m) Operative paragraph 15 was renumbered as paragraph 14, and the phrase "and regrets her resignation presented to the Secretary-General in March this year." was inserted at the end of the paragraph;

(n) A new paragraph 15 was added.

11. Statements in connection with the draft resolution were made by the representatives of Canada, Mexico and the Netherlands and by the observer for Guatemala.

12. At the request of the representative of the Netherlands, the Commission postponed consideration of draft resolution E/CN.4/1997/L.61.

13. At its 64th meeting, on 15 April 1997, the Commission resumed consideration of draft resolution E/CN.4/1997/L.61.

14. A statement in explanation of vote before the vote was made by the representative of Canada.

15. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

16. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/51.

Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights

17. At the 58th meeting, on 11 April 1997, the representative of Germany introduced draft resolution E/CN.4/1997/L.65, sponsored by Argentina, Austria, Belarus, Belgium, Benin, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Ethiopia, Finland, France, Gabon, Germany, Greece, India, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Madagascar, the Netherlands, Nicaragua, Norway, Peru, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, South Africa, Spain, Sweden, Switzerland, Togo and Ukraine. Australia,

Bangladesh, Bolivia, Equatorial Guinea, Mali, Mongolia, New Zealand, the Philippines, Senegal, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, Uruguay and the United States of America subsequently joined the sponsors.

18. The draft resolution was orally revised by the representative of Germany as follows:

(a) At the end of the fourth preambular paragraph, the phrase "and taking also note of the recommendations of the Board of Trustees of the Voluntary Fund for Technical Cooperation" was added;

(b) In operative paragraph 1, "aimed at the development of" was replaced by the words "provided at the request of Governments with a view to developing";

(c) At the end of the same paragraph, the phrase "particularly since these activities are undertaken at the request of Governments;" was deleted;

(d) In operative paragraph 4, the words "effectively and encouraging them to strengthen human rights" were replaced by "in promoting and protecting human rights and strengthening";

(e) In operative paragraph 5, the words "may be seen as a complement to" were replaced by the words "does not exempt any country from" and the phrase "from which no Government is exempt" was deleted. In the same paragraph, before the word "produce", the word "help" was inserted;

(f) In operative 9, "projects for strengthening" was replaced by "the promotion of all". At the end of the paragraph, after the words "Development Programme and", the words "in order to execute joint" were replaced by "working together in the execution of".

19. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/46.

Assistance to Somalia in the field of human rights

20. At the 58th meeting, on 11 April 1997, the representative of Italy introduced draft resolution E/CN.4/1997/L.71, sponsored by Bulgaria, Canada, Denmark, France, Germany, Italy, Latvia, Norway, Portugal, the Republic of Korea, Romania, South Africa, Spain and Sweden. Australia, Ireland, Japan, New Zealand and the United States of America subsequently joined the sponsors.

21. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

22. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/47.

Assistance to States in strengthening the rule of law

23. At the 58th meeting, on 11 April 1997, the representative of Brazil introduced draft resolution E/CN.4/1997/L.72, sponsored by Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, El Salvador, Ethiopia, France, Germany, Guatemala, Italy, Mozambique, Peru, Poland, Portugal, the Russian Federation, South Africa, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Algeria, Australia, Belgium, Benin, Gabon, Greece, Haiti, India, Madagascar, Mali, Mongolia, Nicaragua, Paraguay, Senegal and Togo subsequently joined the sponsors.

24. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/48.

Situation of human rights in Haiti

25. At the 58th meeting, on 11 April 1997, the observer for Venezuela introduced draft resolution E/CN.4/1997/L.78, sponsored by Argentina, Brazil, Canada, Chile, Denmark, the Dominican Republic, El Salvador, France, Greece, Haiti, Hungary, Nicaragua, Peru and Venezuela. Algeria, Germany, Honduras, Israel, Mexico, Spain, Sweden, the United States of America and Uruguay subsequently joined the sponsors.

26. The draft resolution was orally revised by the observer for Venezuela as follows:

(a) In operative paragraph 2, the phrase "as well as, more recently" was replaced by ", and takes note of";

(b) In operative paragraph 7, the word "inclusion" was replaced by "continuation".

27. The representative of the Netherlands proposed to amend the draft resolution by deleting, in operative paragraph 18, the phrase "with the support of the United Nations Population Fund;".

28. Statements in connection with the draft resolution were made by the representative of Ireland and the observer for Venezuela.

29. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

30. At the request of the observer for Venezuela, consideration of the draft resolution was postponed.

31. At its 64th meeting, on 15 April 1997, the Commission resumed consideration of draft resolution E/CN.4/1997/L.78.

32. At that meeting, the observer for Venezuela made the following additional oral revisions to the draft resolution:

(a) In operative paragrah 7, after "continuation", insert "of the inclusion". In the same paragraph, replace "the establishment of a" by the words "takes note of the work of the";

(b) At the end of operative paragraph 18, delete the phrase "with the support of the United Nations Population Fund;".

33. A statement in connection with the draft resolution, as revised, was made by the representative of Ireland.

34. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/52.

Situation of human rights in Cambodia

35. At the 58th meeting, on 11 April 1997, the observer for Australia introduced draft resolution E/CN.4/1997/L.80, sponsored by Australia, Austria, Belgium, Canada, Germany, Ireland, Japan, the Netherlands, New Zealand, Norway, Romania and Sweden. France, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

36. A statement in connection with the draft resolution was made by the representative of Mexico.

37. A statement in explanation of vote before the vote was made by Indonesia (on behalf of the States members of the Association of South-East Asian Nations).

38. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/49.

Situation of human rights in Liberia

39. At the 66th meeting, on 16 April 1997, the Chairman, on behalf of the Commission, made the following statement concerning the situation of human rights in Liberia:

"The Commission on Human Rights, meeting in Geneva from 10 March to 18 April 1997, recalling the Chairman's statement on the situation of human rights in Liberia dated 24 April 1996, at the 62nd meeting of the fifty-second session of the Commission on Human Rights, and all previous Security Council resolutions on Liberia, in particular resolution 1041 (1996) of 26 January 1996, welcomes the signing of the Abuja agreement and the revised schedule of implementation in August 1996 by the factional leaders in Liberia. The Commission also welcomes the substantial progress made in the demobilization and disarmament of the warring factions in conformity with the schedule of implementation expected to culminate with a general election scheduled to take place in Liberia in May 1997, and urges all Liberians to move speedily towards reconciliation and the creation of a viable political and democratic order in their country.

"To this end, the Commission notes with appreciation that several political parties have been registered with the newly restructured Election Commission, headed by a non-factional chairman, and that plans are on the way to appoint a new head and other senior members of the judiciary.

"The Commission expresses its sincere appreciation to the Economic Community of West African States (ECOWAS) and the Economic Community of West African States Monitoring Group (ECOMOG), and notes the need for the strength of the peacekeeping troops on the ground to be increased in order to ensure security in the country during the election period. In this connection, the Commission calls upon all States Members of the United Nations system and intergovernmental and non-governmental organizations to provide Liberia with technical and financial assistance to cope with the humanitarian situation and to provide ECOMOG with necessary logistical and financial support to enable it to carry out its mandate.

"The Commission also expresses its appreciation to the States that have so far contributed to the United Nations Trust Fund on Liberia and

calls on other States to contribute generously to the Fund. It also expresses its gratitude to the Organization of African Unity, the United Nations, the International Committee of the Red Cross, non-governmental organizations and the international community for their efforts in delivering humanitarian assistance to and ensuring peace in Liberia.

"The Commission stresses the need for cohesion amongst the factions/parties, currently divided along ethnic groups, to abide by the terms of the Abuja Accord and the nation's electoral law, and encourages the Group of Nine West African States that meets monthly in Monrovia in order to give impetus to the issue of cohesion amongst the factions and to act as a check on any excesses of the factions.

"The Commission urges the Centre for Human Rights to provide at the end of the election and at the request of the Government of Liberia advisory services and technical assistance to enable it to revive the ailing human rights structures and mechanisms, and calls on the United Nations Secretary-General to consider sending international electoral monitors and human rights monitors to Liberia, at least during and after the election.

"The Commission decides to remain seized of the matter under agenda item 18 entitled 'Advisory services in the field of human rights'".